M.R.O. 1—22-400—18-11-97

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

Case 7124/5

G.O. No. 2246	Press Mis.
Dated 3—12	18 97.

Not to be folded or roughly handled

No. 46. Read the following letter from Lieutenant-Colonel E. LAWFORD, Officiating Chief Engineer; to the Secretary to Government, dated 15th November 1858, No. 5453.

SIR,

With reference to Extract from the Minutes of Consultation No. 2346, dated 6th instant, I have the honor to submit the accompanying letter from Captain Francis, Acting Superintending Engineer, Central Circle, appealing against the decision of Government in the matter of the Veylanthevalum bridge.

1 Letter with 2 Enclosures.

2. I shall be glad if the explanations therein offered are considered sufficient to induce a re-consideration of the heavy penalty inflicted on Captain Shand and Mr. Bake, but I confess I am not at all disposed to recommend a renewal of the Contract with Sub-Overseer Appasawmy's Brother-in-law for the completion of the Bridge, nor do I consider that the Sub-Overseer himself has shewn any special qualification for the duties he engaged to perform.

3. But as Captain Francis has stated his favorable opinion of Appasawmy of whose antecedents I had no distinct information, I hope that Government will be disposed to view his conduct leniently and permit his re-instatement in the Department.

4. It is to be observed that Appasawmy was not wounded by robbers till April and that little could have been done to the Bridge after that month on account of the weather, so I do not ascribe any of the loss to his misfortune.

Letter from Captain P. M. FRANCIS, Acting Superintending Engineer, Central Circle; to Lieutenant-Colonel E. LAWFORD, Officiating Chief Engineer, dated 15th November 1858, No. 38.

SIR,

I have the honor to request you will do me the favor to lay before Government with as little delay as possible my earnest appeal for a re-consideration of their judgement in the case of the Vaylantavalum Bridge, recorded in Extract Minutes Consultation No. 2346, dated 6th November 1858.

2. To begin with the Contractor Appasawmy Pillay (though I am under the strongest impression that the original contract was made with his brother-in-law) this man had been for many years, in Government employ and had lately retired from the Head Maistry's post of Malabar on account of the insufficiency of the salary. I was very glad to get him to build the bridge for we were very short of hands and so far from his being then considered a man of bad repute: Colonel Faber whose Marahmut Superintendent he had been in Tinnevelly on the formation of the Department placed him at once in the 1st Class 1st Grade of Sub-Overseers on 60 Rupees a month.

3. Captain Shand appears to have given the contractor very large advances, but the case was peculiar, the bridge was situated in the most feverish part of the Wauliaurjungle, it was very difficult to get work people to go there, and as an attempt was to be made to complete the bridge in one short working season, no puny efforts would suffice for the purpose. Captain Shand if he had had proper security would have been justified in giving liberal advances; and I know well that the Collector Mr. Thomas was consulted as to the means of these men, and he said that they owned substantial house property in Coimbatore, I have of course nothing to say in behalf of Captain Shand in the matter of the security which ought to have been registered in the Court, and Appasawmy has shewn himself unworthy of credit from what has transpired since in regard to it, but these facts were not known at the time and as Captain Shand's advances were fully worked out, I cannot see how he can fairly be brought in as responsible in any way for money.

4. The work owing to the feverish locality and proximity to the Rail had serious difficulties to encounter, and in April 1857 the Bridge having been then built and completed up to the springing, but no arch work having been begun, and the monsoon being so near at hand it was thought advisable to stop for that season. In July the restrictive orders were issued, but in December 1857 application was made to proceed with the work and permission was granted in Fe-

bruary 1858, leaving but a very short working season before the commencement of the S. W. Monsoon and accordingly Mr. Bake was directed to push on the work energetically and to give advances to the Contractor and money was provided in his monthly estimates for the purpose. Mr. Bake, I considered very unwisely gave 1,000, Rupees at one advance, and I had him up about this, and his reasons were that Appasawmy having so much at stake in the Government service, he could have no better security and that it was necessary to make extensive preparations.

5. Then followed Appasawmy's disaster and the consequent stoppage of work for that season, but I beg to append two notes just received, one from Appasawmy which shows that he is ready to finish the bridge as soon as the season opens by means of a 2nd Contractor, and the other from Dr. Cornish showing the very serious injuries that he did receive and that there was no fraud in that matter at all events.

6. On looking over Mr. Fraser's letter No. 98 dated 10th August, I observe that he simply asks for information as to a new deed to be executed by Appasawmy and his replies (letter No. 121,) to Colonel Lawford's question he says "the loss to us *in case he fails to perform the Contract* will be &c.," I cannot find that he any where proposes of himself to break the contract and perform the work on Government account. I would therefore urge that the contractor be permitted to complete his work which he will no doubt do if proper arrangements be made by the District Engineer. This would clear Captain Shand and Mr. Bake from loss.

7. I would point out that if Appasawmy be dismissed at this juncture, the expected loss will of course be incurred, and the utter ruin of Mr. Bake one of the Government's most earnest and zealous servants, for an act of want of judgment will be accomplished, and I must fear that the example will tend to repress all generous sentiment in the Department and to make self preservation from loss and blame the ruling principle.

8. I must take upon myself the blame of having kept Appasawmy at the bridge work after his appointment to the Government service. It was I who directed Mr. Bake to put him in charge of that sub-range in which is included the Bridge, the Wauliar road &c. &c., so that he might overlook and direct his Maistry at Vaylantavalum.

9. From February to April there is I confess an apparent want of supervision on the part of the District Officers and a want of honest exertion on the part of Appasawmy, for if he did not meet with his accident till the latter month, he ought to have been well on with his arches. I remember sending out Mr. Leggatt to inspect the work, owing to Mr. Bake (in consequence of a want of competent subordinate superintendence) being himself engaged day and night at the Marchenaiken polliam Bridge, but writing from memory I cannot say at this distance of time why then was not more supervison by the District Engineer.

My dear Francis,

I remember the man Appasswmy Pillay very well: He was very much hurt about the head and for several months I considered him in a dangerous condition. Some time before I left Coimbatore however, I gave him a Certificate that he was able to resume his duties as an Overseer D. P. W.

I should mention bye the bye that I gave Appasawmy a Certificate some time before that for 3 months leave to the Coast, just after he was out of immediate danger from the wounds in his head: I forget the date of this Certificate, but it could be easily ascertained by applying to the Civil Engineer Coimbatore who has a record of it.

The man Appasawmy was not humbugging: He was as near dying for several weeks as I have ever seen a man!

I am sorry to hear that Bake has got into trouble on this man's account and trust the matter will be rectified.

Let me know if I can give you any more information.

15th November 1858.

(Signed) W. R. CORNISH.

Petition of Appasawmy, 1st Class Sub-Overseer; to Superintending Engineer, Centeral Circle, sets-forth.

That while engaged at the Valandavelam bridge works he was attacked by Gang robbers, and both robbed and severely wounded and was ill 5½ months, and consequently unable to complete the bridge within the year, that he will do so however by 30th May next pray, therefore that he may be appointed as an Assistant Overseer on the occurrence of a vacancy.

No. 47. Order thereon, No. 2600; dated 3rd December 1858.

After reviewing the circumstances connected with the failure of the Contractor to complete the Veylanthavalum Bridge in Malabar, Government in Extract Minutes Consultation 6th November 1858, No. 2346, directed that a sum of 1,879 Rupees for which no equivalent in work had been rendered by the Contractor, should be recovered from Captain Shand and Corporal Bake his successor in the Executive charge of the Division, in the proportions of Rupees 626-5-4 and Rupees 1,252-10-8 respectively, and that the Contractor who was also a Sub-Overseer in the Department Public Works should be dismissed the service. The Officiating Chief Engineer now submits an appeal from Captain Francis, at present Acting Superintending Engineer of the Central Circle, but District Engineer at the time when the contract of the bridge was given out, praying that the Government may be pleased to reconsider their orders on the explanation furnished by him. Captain Francis' explanation amounts to this. Appasawmy the Contractor was a man of good repute, having been formerly long in the employ of Government as a Head Maistry, and having on the opening of the new Department been unhesitatingly nominated a 1st Class Sub-Overseer by Colonel Faber under whom he served as Marahmut Superintendent in Tinnevelly; the feverish nature of the locality required rapid pushing on of the works and consequently called for large advances; the unhealthy locality and the proximity of the Railroad led to serious difficulties; and Appasawmy himself was attacked and severely wounded by robbers. On the other hand, Captain Francis allows that proper security should have been taken for the advances; and he blames himself for continuing Appasawmy in the contract after his appointment to the Department Public Works. He begs however that Appasawmy may not be dismissed at this juncture; and in submitting that individual's request to be allowed to fulfil his contract through a third party, he apparently recommends it.

2. Government are disposed to admit that there were difficulties to the execution of the Veylanthavalum Bridge but what they complain of in this instance and in the Department Public Works generally, is the want of due precautionary measures of the most obvious description in all these transactions. To make advances without security, to execute contracts so informally as to be incapable of substantiation in a Court of Law, and to neglect all regular supervision and check, are matters of every day occurrence not only in Coimbatore but in other Districts of the Presidency. The correctness of the facts of all these faults of omission in the matter of the Veylanthavalum Bridge, Captain Francis admits; and he is also obnoxious to blame for not pointing out to Colonel Faber that Appasawmy was engaged to complete this bridge in his private capacity; until he had done which, he should not have been appointed to the Department. Whether the contract was in his own name, or in that of his brother-in-law, mattered little: either way, he was pledged to it.

3. Government have no objection to let Appasawmy remain until the bridge is completed, and to finish it as proposed by Captain Francis. Mr. Fraser will then report carefully on the execution of the work, and Appasawmy's case will be finally disposed of with reference to that report. In the meantime the order for collecting by stoppages the sums adjudged against Captain Shand and Mr. Bake, will be held in abeyance pending the receipt of the report called for from Mr. Fraser.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

For Orders

Public Works' Department No 2726.

From the Offg Chief Engineer dd 15th November 1858.

Submitting a letter from the Acting Superintending Engineer Centre Circle appealing against the decision of Government in the matter of the Velunthevalium bridge and expressing a hope that the explanations therein afforded may be considered sufficient to induce a reconsideration of the whole subject.

I have no doubt that there were deficiencies in the excavation of this bridge but what are complained of in this and in the D.P.W generally is the want of due precautionary measures of the most obvious description made such calculations — to make advances without security, to execute contracts so informally as to be incapable of enforcement by the Laws & Regulations [illegible] of Law & to all regular supervision & check — are of every day occurrence not only in connection but every where. Whether correct or not all these faults & omissions in the matter of this Bridge [illegible] P. and

not. He is also to pay all the Blame for not having out before the Bridge was finished. Mr Appraisement was desired to complete the bridge on his private Charity, all he has done &c. he has not Blame been applauded to the Depth. Whether the Contract was a Lie, or his Brethren Law Name little mattered. He was pledged but.

Now no objection to let them know the Bridge is completed & to send it as proposed & Peter Francis. Mr Bath will then depart carefully on the Execution of the work & Appraisement in Case can be found deposited & with the Office of Public

In the meantime the Case, for Charity & Despatches the Deposed James Jones Capt. & Pet. B. is I presume to be kept in Secrecy

Well.

The [illegible] Address of Appraisement
[illegible]
[illegible]
[illegible]

the Bridge wanting Glass over the Centre Arch commanding the Bridge with the Lantern on Saturday next, and finish the Gothic Stone Bridge with the said Iron Rails, which will be the finishing work.

Resolved that any servant of the Corporation taken drunk into custody be fined Considerably and will also be discharged, and the Officer of the Chief Engineer to Assistant and Overseer should any become Bankrupt or Insolvent the Engineer to have the power to discharge them.

Ordered that the Engineer do agree with Mr Thomas Hall for keeping the Gates for which he shall be allowed the sum of Twenty pounds per annum.

Resolved that the Engineer do agree with Mr Thomas Hall for keeping the Gates for which he shall be allowed the sum of Twenty pounds per annum.

Ordered

Circulate to the Members of Council for Orders. I don't think a very clear case is made out

WH 13/9

13

To P Works. 15th Nov 1858

Engineer

To

The Secretary to Government Colombo

Sir

Public

With reference to Extract from the Minutes of Consultation No 2346 dated 6th instant, I have the honor to submit the accompanying letter from Captain Francis Acting Superintending Engineer Centre Circle appealing against the decision of Government in the matter of the Veylantheralum bridge

Enclosure 3 Letter with two enclosures.

2 I shall be glad if the explanations

explanations thereon offered are consid-
:dered sufficient to induce a re-
consideration of the heavy penalty
inflicted on Captain Shand and
Mr Lake, but I confess I am
not at all disposed to recommend
a renewal of the Contract with
Sub Overseer Appasawmy's Brother-
-in-law for the completion of the
Bridge nor do I consider that the
Sub Overseer himself has shown
any special qualification for the
duties he engaged to perform.

3. But as Captain Francis
has stated his favorable opinion
of Appasawmy of whose antecedents
I had no distinct information, I
hope

hope that Government will be disposed
to view his conduct leniently and
permit his reinstatement in the
Department

4. It is to be observed that
Appasawmy was not wounded by
robbers till April and that little
could have been done to the Bridge
after that month on account of
the weather so I do not ascribe
any of the loss to his misfortune

I have the honor to be
Sir
Your most obedient Servant
Stanfield Lieut Colonel
Officiating Chief Engineer

Central Office of P.W.
Fort Saint George
15th Novemr. 1858.

To
The Secretary to Government
D.O.W

Ed. Walter[illegible]

No. 2609

Extract from the Minutes of Consultation
Under date the 3d November 1858 —

Read the following letter
from the Offg Chief Engineer —
(Received 15th November 1858 No 5453.)

After reviewing the
circumstances connected with the
failure of the Contractor to complete
the Vaylauttavalum Bridge in
Malabar, Supt in Exp: Mens: Cens:
Malabar, Supt in Exp: Mens: Cens:
Ofte 1st Nov 58, No 2346, directs
that a sum of 1879 Rs for which
no equivalent in work had been
rendered by the Contractor, should
be recovered from Capt Shand and
Corporal Bake his successor in the
executive charge of the Divn, in
the proportions of Rs 626.5.4 &
Rs 1,252.10.8 respectively, and
that the Contractor who was also
a sub overseer in the D.P.W. do
be dismissed the service. The
Offg Chief Engr now submits an
appeal from Capt Rancis, at
present Acting Supt Superintendent of the

Central Circle Nth District Supt
~~Madras~~ at the time when
the contract of the bridge was
given out, praying that the Govt
~~may~~ will be pleased to reconsider their
orders on the explanations fur-
nished by him - Capt Francis'
explanation amounts to this.
Appasawmy the Contractor was
a man of good repute, having
been formerly long in the employ
of Govt as a head mistry, and
on the opening of the new Capt
having been entrusted by him
nominated a 1st Class Cyl Overseer
~~Contractor by Col Faber~~ by Col Faber
under whom he served on Main
Coast Canal in Tinnevelly - the
feverish nature of the locality
required a rapid pushing on of
the works and ~~consequently~~ Con-
sequently called for large advances; the
unhealthy locality, and the proxi-
mity of the Railroad led to se-
rious difficulties; and Appasaw-
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tract after his appointment to
the D.P.W. He begs however that
Appasawmy may not be dis-
missed at this juncture, and in
submitting that individuals
request to be allowed to forfeit
his Contract when a third party
he apparently recommends it.

Govt are disposed to admit
there were difficulties to the execu-
tion of the Vejayantheravalum bridge
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engaged to complete the bridge in his private capacity; until he had done which, he should not have been appointed to the Dept. Whether the contract was in his own name, or in that of his brother in law, ~~it~~ mattered little: either way, he was pledged to it.

Govt have no objection to Lt Hasaurray remaining until the bridge is completed, and to finish it as proposed by Capt Francis. Mr. Fraser will then report carefully on the execution of the work, and Lt Hasaurray's case will be finally disposed of with reference to that report. In the meantime the order for collecting by stoppages the sums adjudged against Capt Hand and Mr. Bake, will be held in abeyance pending the receipt of the report called for from Mr. Fraser.

W H B

8. Copies to the Offg Chief Engr. Dublin
4 " — the Secy Dept. W

Recd. 9th Novr/58 No 1912

Public Works 1858 Depot.
Dr to Govt 7th December

No 2600.

Extract Mins
Dd 3d Decr/58.

From the Offg Chief Secy to Govt
Dec/58 C No 2982 with Mins. 1st Dec

From Do — Dr 23d Decr/58 C No 3159
with 18th Jany/59
89-90

From the Chief Engineer 16 Dec/58
C No 2933 in Pro No 347 } 3d Inclt
From Do Dd 22d Inclts 62 & 62a
in Pro

On a reconsideration of all the circumstances connected with the construction of the Pylanthaud Bridge in Malabar are disposed to suspend the order directing the Contractors Appanasamy Pramiasal and the [illegible] recovery of certain sum of money from the Contractor and Captain Shand pending the receipt of a report called for from Mr Fraser.

No 46 & 47.